



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC - 3 2010

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: Request for Approval of a Consent Agreement and Proposed Final Order
In the Matter of: E.I. DuPont de Nemours and Company
Docket No. TSCA-HQ-2010-5002

FROM: Adam M. Kushner, Director
Office of Civil Enforcement

TO: Environmental Appeals Board

ENVIR. APPEALS BOARD

2010 DEC - 8 PM 2:47

RECEIVED
U.S. E.P.A.

A. Introduction

Attached for your approval is the proposed Consent Agreement and Final Order (CAFO) to settle a civil penalty action against E.I. du Pont de Nemours and Company (Respondent or DuPont), for violations of Sections 8(e) and 15(3)(B) of the Toxic Substances Control Act (TSCA), 15 U.S.C. §§ 2607(e) and 2614(3)(B). Violations of TSCA Section 8(e) are subject to penalties pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a). This action is settled pursuant to 40 C.F.R. §§ 22.13(b) and 22.18, before the filing of a complaint. I have reviewed the CAFO and determined that it is consistent with TSCA and applicable U.S. Environmental Protection Agency (EPA) policies.

EPA determined that DuPont is not eligible for the *Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations*, 65 Fed. Reg. 19,618 (April 11, 2000) (Audit Policy) because DuPont failed to meet Conditions 4 (Discovery and Disclosure Independent of the Government) and 7 (No Repeat Violations) of the Policy.

B. Statement of the Facts

EPA discovered, during discussions with DuPont of a prior enforcement matter, that DuPont had been using reporting criteria different than that specified in EPA's TSCA Section 8(e) Reporting Guide (June 1991). As a result of these discussions, DuPont submitted 176 studies to EPA. The Agency determined that 57 of these studies should have been submitted pursuant to TSCA Section 8(e). The remaining studies were not required to be submitted

because they are either "For Your Information" (FYI) submissions¹ or duplicates of studies submitted in the 1990s.

C. Summary of the Violations

TSCA Section 8(e), which is entitled, "Notice to Administrator of substantial risks," requires that [a]ny person who manufactures, processes, or distributes in commerce a chemical substance or mixture and who obtains information which reasonably supports the conclusion that such substance or mixture presents a substantial risk of injury to health or the environment shall immediately inform the Administrator of such information" EPA alleges that Respondent failed to comply with TSCA Section 8(e) on 57 occasions by failing to report toxicity data about 57 rat inhalation studies.² Each of the 57 studies constituted substantial risk information.

D. Application of the Penalty Policy

The proposed civil penalty of \$3,300,000 is consistent with the penalty guidelines set forth in the *Enforcement Response Policy for Reporting and Recordkeeping Rules and Requirements for TSCA Sections 8, 12 and 13* (TSCA ERP) (effective June 1, 1999) (copy attached). The policy can be found on the internet at the following address: http://www.epa.gov/compliance/resources/policies/civil/tsca/erp8_12r.pdf. The TSCA ERP provides guidance for penalty assessment based on the Agency's interpretation of the statutory factors for determining the amount of a TSCA civil penalty. Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B), requires the Agency to consider "the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require."

1. Calculation of the Gravity-Based Penalty

Pursuant to the ERP, the civil penalty is calculated by determining the gravity-based penalty (GBP) and then considering adjustments to the GBP. The gravity of the violation is determined by taking into account the nature, circumstances, and extent of the violation. Because the ERP only addresses record keeping and reporting violations, the statutory factor of "nature" is a constant throughout ERP. The gravity-based penalty, therefore, is determined by applying a matrix with "circumstances" on the vertical axis and "extent" along the horizontal axis.³ The circumstance level for failing to submit information required to be submitted pursuant to TSCA § 8(e) is "level 1."⁴ The extent level for violations of TSCA § 8(e) that involve animal studies is "significant." The ERP uses a matrix (as modified for inflation) to identify a gravity

1 DuPont submitted 114 studies that EPA determined met its criteria for FYI submissions. DuPont's FYI submissions contain information, other than substantial risk information, that may be pertinent to risk assessment.

2 These studies are designated as submissions one through fifty-seven in Attachment 1 of the Consent Agreement.

3 Enforcement Response Policy for Reporting and Recordkeeping Rules and Requirements for TSCA Sections 8, 12 and 13 (March 31, 1999), at 5 and 8.

4 Id. at 9.

penalty for each violation.⁵ Using the matrix value provided in the ERP for a level 1 significant violation, the “base penalty” for these violations is \$21,922 per violation.

TSCA section 8(e) requires companies to submit each study that contains substantial risk information. Therefore, the ERP considers each failure to submit information that is required to be submitted pursuant to TSCA section 8(e) as a separate violation. TSCA section 16 provides, “[e]ach day such a violation continues shall, for purposes of this subsection, constitute a separate violation of section 15.” The number of days alleged in this matter is 203 days of violation for each of the 57 studies. For purposes of settlement, the Agency considered DuPont’s violations to have begun when the company concluded the prior enforcement action in which it learned of the likelihood of these reporting violations. Approximately 203 days after those settlement discussions, DuPont sent a letter to EPA to disclose the TSCA Section 8(e) violations in this matter.

The ERP provides a formula to calculate the GBP. According to the ERP at pages 12-13, because these studies did *not* include information that directly disrupted the Agency’s ability to address situations of unreasonable risk, the base penalty is to be used only for the first day of violation. For each subsequent day of violation, the amount to be assessed is equal to the base penalty divided by 30. The Agency used the following formula, which is found in the ERP at page 13, to calculate the GBP per study:

$$\text{GBP} + [(\# \text{ days} - 1) \times \text{GBP}] / 30 = \text{GBP per study}$$

$$\$21,922 + [(203-1) \times 21,922] / 30 = \$169,530$$

The Respondent failed to submit TSCA Section 8(e) information for fifty-seven chemical substances (\$169,530 x 57), therefore, the unadjusted **GBP is \$9,663,210.**

2. Adjustments to Gravity Based Penalty

Once the GBP has been determined, the Agency makes any upward or downward adjustments to the penalty amounts by taking into account the following factors with respect to the violator: degree of culpability, history of prior such violations, ability to pay, ability to continue in business and such other matters as justice may require (e.g., voluntary disclosure of the violation). The document entitled *Guidelines for Assessment of Civil Penalties Under Section 16 of the Toxic Substances Control Act; PCB Penalty Policy*, 45 Fed. Reg. 59,770 (Sept. 10, 1980) (Guidelines) sets forth additional explanations for each of the adjustment factors discussed below. The TSCA ERP states that it must be read in conjunction with the Guidelines. Therefore, the discussion below incorporates the criteria described in both the TSCA ERP and Guidelines.

⁵ Id. at 8.

Pursuant to the TSCA ERP, the Agency agreed to reduce the gravity-based penalty by 25% for disclosing the violations and an additional reduction of 25% because the Respondent disclosed in a timely manner.⁶ In determining whether any further adjustments were warranted, EPA took into consideration DuPont's good faith efforts to comply. Specifically, EPA considered DuPont's cooperation in reviewing more than 500 studies and submitting 176 of them to EPA in a manner that allowed the Agency to organize the material quickly. EPA also considered possible litigation issues. Were this case to proceed to hearing, DuPont would be expected to argue that the statute of limitations bars any penalty. After considering these facts, EPA determined that additional downward adjustments were appropriate to reflect the cooperation and attitude of Respondent and to take into account the litigation risk involved in this matter. EPA agreed, therefore, to reduce the penalty by an additional 17 1/2 %. The resulting adjusted GBP is \$3,300,000.

For the adjustment factors: degree of culpability, history of violations, ability to pay, and ability to continue in business, EPA determined Respondent's situation did not justify additional reductions or increases in the penalty.

DuPont received no economic benefit from the failure to submit the 57 reports. Therefore, the penalty was not adjusted for economic benefit derived from the noncompliance. The final penalty is **\$3,300,000**.

FINAL SETTLEMENT PENALTY: \$3,300,000

3. Human Health and Environmental Concerns Raised by Violations

Respondent's violation presented a potential harm to the Agency's ability to maintain accurate and updated information regarding fifty-seven chemicals. Reporting this information is important to the Agency's overall decision-making on chemical control, setting priorities, and decisions regarding whether to pursue rulemaking. This harm to the Agency's regulatory program had the potential to result in a harmful impact on human health and the environment.

4. Disposition of Submissions

Respondent has corrected the violations and there are no additional steps required to remedy any past exposure to the environment.

5. Past or Pending Actions

Other than the prior enforcement matter mentioned above, there are no past or pending actions involving the Respondent arising out of the same or similar facts.

⁶ The ERP allows for penalty reductions for disclosures made during negotiations and disclosures of repeat violations. Thus, DuPont received reductions for disclosures even though it was not eligible for the Audit Policy. See Policy at 15.

6. The Public Interest is Served by the Agreement

The public interest is served by this Consent Agreement because it may deter future violations and encourage the timely submission of information to EPA under TSCA section 8(e).

E. Recommendation

For the forgoing reasons, I recommend that you enter the proposed order. If you have any questions concerning this memorandum or the attached CAFO, please contact Mark Garvey, an attorney on my staff in the Office of Civil Enforcement (202) 564-4168.

Attachments

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In the Matter of:

**E.I. du Pont de Nemours
and Company**

Respondent

Docket No. TSCA-HQ-2010-5002

CONSENT AGREEMENT

Complainant, United States Environmental Protection Agency (EPA or Agency), and Respondent, and E.I. du Pont de Nemours and Company (DuPont) (collectively, the Parties), having consented to the entry of this Consent Agreement and proposed Final Order before the taking of any testimony and without adjudication of any issues of law or fact, consent to the terms of this Consent Agreement and attached Final Order.

I. PRELIMINARY STATEMENT

1. This civil administrative proceeding for the assessment of penalties pursuant to § 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a), is being simultaneously commenced and concluded pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b)(2)-(3).
2. To avoid the disruption of orderly business activities and expense of litigation, Respondent, for purposes of this proceeding: (1) admits that EPA has jurisdiction over the subject matter in this Consent Agreement, and (2) consents to the terms of this Consent Agreement and Final Order.
3. The Respondent waives any defenses it might have as to jurisdiction.

II. EPA'S FINDINGS OF FACT AND LAW

COUNT I

4. Respondent is a corporation located at 1007 Market Street, Wilmington, Delaware 19898 and incorporated in Delaware.
5. Respondent is a person subject to the requirements of TSCA § 8(e), 15 U.S.C. § 2607(e).
6. Respondent manufactures, processes, or distributes in commerce the chemical substances or mixtures or in the past has manufactured, processed, or distributed in commerce the chemical substances or mixtures addressed in this Consent Agreement as those terms are defined in TSCA § 3, 15 U.S.C. § 2602 and TSCA § 8(f), 15 U.S.C. § 2607(f). Respondent is subject to TSCA and regulations promulgated thereunder.
7. TSCA § 8(e) provides that “Any person who manufactures, processes, or distributes in commerce a chemical substance or mixture and who obtains information which reasonably supports the conclusion that such substance or mixture presents a substantial risk of injury to health or the environment shall immediately inform the Administrator of such information unless such person has actual knowledge that the Administrator has been adequately informed of such information.” 15 U.S.C. § 2607(e).
8. In a letter dated May 5, 2006, Respondent informed EPA that it had performed inhalation toxicity studies that it may not have reported to EPA as required pursuant to TSCA § 8(e).
9. On or about July 12, 2006, Respondent submitted 109 studies to EPA concerning acute inhalation toxicity in rats. Respondent submitted additional studies over the next eleven months. In all, Respondent voluntarily provided 176 submissions to EPA.

10. All studies were acute inhalation toxicity studies performed on rats exposed to the test substances in an aerosol or particulate form.
11. Respondent designated 57 studies as “8E” submissions and 119 studies as “FYI” submissions. EPA has designated 114 of the 119 studies as FYI on its web site. EPA determined that 5 of the 119 studies were duplicates of studies submitted in the 1990's. Attachment 1 lists the studies designated by Respondent as “8E” and Attachment 2 lists the studies designated by Respondent as “FYI.” Both attachments are incorporated by reference.
12. EPA has determined that the 57 inhalation studies listed in Attachment 1 meet EPA’s criteria for reporting under TSCA § 8(e).
13. Respondent's failure to immediately submit each of the 57 studies to the Administrator as required under TSCA § 8(e) constitutes 57 failures to submit a report, notice, or other information as required by TSCA § 15(3)(B), 15 U.S.C. § 2614(3)(B).
14. Pursuant to section 15(3)(B) of TSCA, 15 U.S.C. § 2614 (3)(B), it is unlawful for any person to fail or refuse to submit reports, notices, or other information as required by TSCA.
15. Violations of section 15(3)(B) of TSCA subjects an entity to civil penalties pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a).
16. Each day such violations continue shall, for purposes of TSCA § 16, 15 U.S.C. § 2615, constitute separate violations of TSCA § 15, 15 U.S.C. § 2614.

III. CIVIL PENALTY

17. The penalty agreed upon by the Parties for settlement purposes is **\$3,300,000**.
18. The proposed penalty in this matter is consistent with the *Enforcement Response Policy for Reporting and Recordkeeping Rules and Requirements for TSCA Sections 8, 12 and 13* (revised March 31, 1999; effective June 1, 1999) (*TSCA ERP*). The *TSCA ERP* was developed in accordance with the *Guidelines for Assessment of Civil Penalties Under Section 16 of the Toxic Substances Control Act; PCB Penalty Policy*, which sets forth a general penalty assessment policy for TSCA violations. 45 Fed. Reg. 59,770 (Sept. 10, 1980). The *TSCA ERP*, though not a regulation, establishes a framework for applying the statutory factors to be considered in assessing a civil penalty, *i.e.*: "the nature, circumstances, extent and gravity of the violation or violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require." TSCA § 16(a)(2)(B), 15 U.S.C. § 2615(a)(2)(B).
19. The proposed civil penalty in this case reflects: (1) a determination of the Gravity-based Penalty (GBP); and, (2) adjustments to the GBP, taking into account the statutory factors.
20. Not more than thirty (30) calendar days after the effective date of the Final Order, respondent shall *either*:
21. Dispatch a cashier's or certified check in the amount of **\$3,300,000** made payable to the order of the "Treasurer of the United States of America," and bearing the case docket number TSCA HQ-2010-5002, to the following address:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

OR

22. Effect a wire transfer in the amount of **\$3,300,000** with the notation "DuPont Civil Penalty Docket No. TSCA-2010-5002," by using the following instructions:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

[Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency."]

23. Respondent shall forward a copy of the check or documentation of a wire transfer to:

Tony R. Ellis, Case Development Officer
Waste and Chemical Enforcement Division (2249A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW (Room No. 5041-A)
Washington, DC 20460
(202) 564-4167
Ellis.Tony@epa.gov

24. If Respondent fails to pay the civil penalty of **\$3,300,000**, within thirty (30) calendar days of the execution of the Final Order, then Respondent shall pay an additional stipulated penalty of \$1,000 per calendar day, plus interest, as provided for in 31 U.S.C. § 3717, as in effect on the date of execution of the Final Order, unless Complainant in writing excuses or mitigates the stipulated penalty. Complainant may excuse or mitigate the stipulated penalty if Complainant determines in its sole discretion, that failure to comply occurred despite Respondent's exercise of good faith and due diligence. If additional stipulated penalties are due, Complainant will dispatch to Respondent a demand letter specifying the total amount

due and owed by Respondent, including any interest allowed by law. Within fourteen (14) calendar days following Respondent's receipt of such demand letter, Respondent shall pay the stipulated penalty in the manner specified in this section.

IV. Reservation of Rights and Release

25. This settlement resolves only the civil administrative claims alleged in this Consent Agreement.
26. Pursuant to 40 C.F.R. § 22.18(b)(2), Respondent waives its right to contest the allegations herein, its right to appeal the Final Order and its right to request a judicial or administrative hearing on any issue of law or fact set forth in, and resolved by, this Consent Agreement.
27. For the sole purpose of establishing Respondent's compliance history in any future enforcement proceeding that EPA may bring against Respondent within five (5) years of the date of the execution of the Final Order, Respondent agrees not to challenge the violations alleged in this Consent Agreement. Otherwise, Respondent neither admits nor denies the allegations, but consents to the terms and conditions of this Consent Agreement and Final Order.
28. By executing this Consent Agreement, Respondent certifies that regarding the violations alleged herein, Respondent is in compliance with sections 8(e) and 15(3)(B) of TSCA; 15 U.S.C. §§ 2607(e) and 2614(3)(B).
29. This settlement is conditioned upon the thoroughness and accuracy of Respondent's submissions to EPA in this matter.

30. Compliance with this Consent Agreement and Final Order shall not be a defense to any subsequent action EPA may commence pursuant to federal law or regulation for violations occurring after the date of this Consent Agreement, or any violations of TSCA not alleged in this Consent Agreement that may have occurred prior to the date that this Consent Agreement is fully executed by both Parties.

31. Nothing in this Consent Agreement or the Final Order is intended to, nor shall be construed to, operate in any way to resolve any criminal liability of Respondent.

V. OTHER MATTERS

32. This Consent Agreement shall be binding upon the Parties, and its officers, directors, employees, successors and assigns. The undersigned representative of each Party certifies that he or she is duly authorized by his or her respective Party to sign this Consent Agreement.

33. This Consent Agreement shall take full effect upon signing and filing of the Final Order by EPA's Environmental Appeals Board.

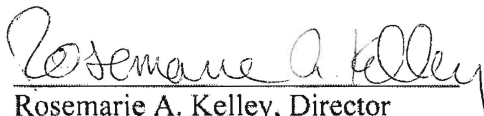
34. Respondent's obligations under this Consent Agreement shall end when it has paid in full the scheduled civil penalty, paid any stipulated penalties, and submitted documentation required by the Consent Agreement and Final Order.

35. All of the terms and conditions of this Consent Agreement together comprise one settlement agreement, and each of the terms and conditions is in consideration for all of the other terms and conditions. This Consent Agreement shall be null and void if any term or condition of this Consent Agreement is held invalid or is not executed by the authorized representative of each

party in identical form, or is not approved in such identical form by EPA's Environmental Appeals Board.

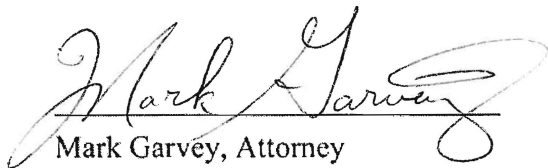
36. The penalty, including any stipulated penalties specified above, represents civil penalties assessed by EPA, and shall not be deductible for purposes of federal taxes.
37. Failure of Respondent to remit the civil penalties provided herein will result in this matter being forwarded to the United States Department of Justice for collection.
38. The Parties agree to bear their own costs and attorneys fees.

WE AGREE TO THIS:



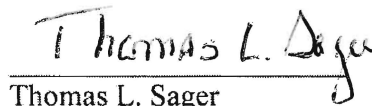
Rosemarie A. Kelley, Director
Waste and Chemical Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
United States Environmental Protection Agency

Date: 12/6/10



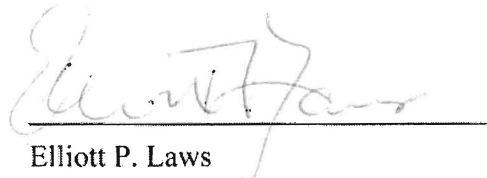
Mark Garvey, Attorney
Waste and Chemical Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
United States Environmental Protection Agency

Date: 9/23/10



Thomas L. Sager
Senior Vice President
and General Counsel
DuPont Legal

Date: 9/14/10



Elliott P. Laws
Counsel for DuPont
Crowell & Moring LLP
1001 Pennsylvania Ave., NW
Washington, DC 20004

Date: 9/17/10

CERTIFICATE OF SERVICE

I certify that the foregoing "Consent Agreement and Final Order," E.I. du Pont de Nemours and Company, Docket No. TSCA-HQ-2010-5002, was filed and copies of the same were mailed to the parties as indicated below:

(Interoffice)

Mark Garvey, Attorney
Chemical Risk and Reporting Enforcement Branch
Waste and Chemical Enforcement Division
Office of Civil Enforcement/OECA/US EPA
1200 Pennsylvania Ave., NW (Mail Code 2249A)
Washington, DC 20460-0001
Fax: (202) 564-0035

(U.S. Mail)

Elliott P. Laws
Counsel for Dupont
Crowell & Moring LLP
1001 Pennsylvania Avenue, N.W.
Washington, DC 20004

Annette Duncan
Secretary
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460-0001

Dated: _____

Dated:

Attachment 1
Studies Designated by DuPont as 8(e)
TSCA-HQ-2010-5002

	HASKELL REPORT NUMBER	Date Submitted to EPA	8E-HQ NUMBER	
1	47-95	7/12/2006	8EHQ-1006-16600A	
2	306-94	7/12/2006	8EHQ-1006-16602A	
3	772-93	7/12/2006	8EHQ-1006-16603A	
4	771-93	7/12/2006	8EHQ-1006-16604A	
5	757-93	7/12/2006	8EHQ-1006-16605A	
6	758-93	7/12/2006	8EHQ-1006-16606A	
7	747-93 rv. 1	7/12/2006	8EHQ-1006-16607A	
8	471-93	7/12/2006	8EHQ-1006-16608A	
9	433-93	7/12/2006	8EHQ-1006-16609A	
10	432-93	7/12/2006	8EHQ-1006-16610A	
11	398-93	7/12/2006	8EHQ-1006-16611A	
12	395-93	7/12/2006	8EHQ-1006-16612A	
13	396-93	7/12/2006	8EHQ-1006-16613A	
14	397-93	7/12/2006	8EHQ-1006-16614A	
15	240-93	7/12/2006	8EHQ-1006-16615A	
16	232-93	7/12/2006	8EHQ-1006-16616A	
17	622-92	7/12/2006	8EHQ-1006-16617A	
18	620-92	7/12/2006	8EHQ-1006-16618A	
19	623-92	7/12/2006	8EHQ-1006-16619A	
20	621-92	7/12/2006	8EHQ-1006-16620A	
21	619-92	7/12/2006	8EHQ-1006-16621A	
22	1596	7/12/2006	8EHQ-1006-16689A	
23	1997-00597	7/12/2006	8EHQ-1006-16690A	
24	13654	7/12/2006	8EHQ-1006-16691A	
25	643-91	7/12/2006	8EHQ-1106-16756A	
26	4/89 R. Valentine	7/12/2006	8EHQ-1106-16757A	
27	3/89 R. Valentine	7/12/2006	8EHQ-1106-16758A	
28	2/89 R. Valentine	7/12/2006	8EHQ-1106-16759A	
29	39-86	7/12/2006	8EHQ-1106-16761A	
30	399-85	7/12/2006	8EHQ-1106-16762A	
31	DuPont 6793	7/12/2006	8EHQ-1106-16764A	
32	DuPont 6795	7/12/2006	8EHQ-1106-16765A	
33	529-90	7/12/2006	8EHQ-1106-16769A	
34	171-89	7/12/2006	8EHQ-1106-16770A	
35	585-88	7/12/2006	8EHQ-1106-16771A	
36	440-87	7/12/2006	8EHQ-1106-16772A	
37	395-87	7/12/2006	8EHQ-1106-16773A	
38	326-87	7/12/2006	8EHQ-1106-16774A	
39	217-87	7/12/2006	8EHQ-1106-16775A	
40	759-86	7/12/2006	8EHQ-1106-16776A	
41	520-86	7/12/2006	8EHQ-1106-16793A	
42	12-86	7/12/2006	8EHQ-1106-16795A	
43	605-85	7/12/2006	8EHQ-1106-16796A	
44	114-81	7/12/2006	8EHQ-1106-16799A	
45	2-96	7/12/2006	8EHQ-1106-16802A	
46	241-93	7/12/2006	8EHQ-1106-16803A	
47	85-86	7/12/2006	8EHQ-1106-16804A	
48	899-80	7/12/2006	8EHQ-1106-16805A	

Attachment 1
Designated by DuPont as 8(e)
TSCA-HQ-2010-5002

[illegible]

Attachment 2
Studies Designated by DuPont as FYI
TSCA-HQ-2010-5002

	HASKELL REPORT NUMBER	Date Submitted to EPA
1	311-94	7/12/2006
2	2904	7/12/2006
3	2903	7/12/2006
4	DuPont 1594	7/12/2006
5	334-93	7/12/2006
6	22-86	7/12/2006
7	11-86	7/12/2006
8	345-84	7/12/2006
9	309-95	7/12/2006
10	83-93	7/12/2006
11	529-88	7/12/2006
12	449-88	7/12/2006
13	256-86	7/12/2006
14	128-86	7/12/2006
15	630-85	7/12/2006
16	351-88	7/12/2006
17	207-84	7/12/2006
18	146-86	7/12/2006
19	149-86	7/12/2006
20	14-86	7/12/2006
21	287-85	7/12/2006
22	417-93	7/12/2006
23	625-91	7/12/2006
24	141-91	7/12/2006
25	34-86	7/12/2006
26	551-84	7/12/2006
27	587-84	7/12/2006
28	1054-80	7/12/2006
29	DuPont 4764	7/12/2006
30	835-88	7/12/2006
31	343-90	7/12/2006
32	DuPont 16050	7/12/2006
33	274-87	7/12/2006
34	1-86	7/12/2006
35	49-85	7/12/2006
36	54-83	7/12/2006
37	256-88	7/12/2006
38	403-83	7/12/2006
39	128-81	7/12/2006
40	326-92	7/12/2006
41	DuPont 2670	7/12/2006
42	586-94	7/12/2006
43	795-91	7/12/2006
44	254-93	7/12/2006
45	799-91	7/12/2006
46	83-91	7/12/2006
47	96-90	7/12/2006
48	1997-00444	7/12/2006
49	1987	7/12/2006

Attachment 2
Studies Designated by DuPont as FYI
TSCA-HQ-2010-5002

	HASKELL REPORT NUMBER	Date Submitted to EPA
50	1998-01611	7/12/2006
51	750-90	9/27/2006
52	35-91	9/27/2006
53	383-91	9/27/2006
54	560-91	9/28/2006
55	86-92	9/28/2006
56	1115-96	9/28/2006
57	1998-00955	9/28/2006
58	1998-00949	9/28/2006
59	DuPont 1505	9/28/2006
60	1998-00956	9/29/2006
61	DuPont 1512	9/29/2006
62	DuPont 1515	9/29/2006
63	25-90	9/29/2006
64	37-89	9/29/2006
65	508-87	9/29/2006
66	778-88	9/29/2006
67	324-82	9/29/2006
68	1997-00234	9/29/2006
69	22828	9/29/2006
70	96-91	9/29/2006
71	584-91	9/29/2006
72	721-86	9/29/2006
73	1138-96	9/29/2006
74	743-94	9/29/2006
75	472-84	9/29/2006
76	888-80	9/29/2006
77	19-81	9/29/2006
78	396-85	9/29/2006
79	603-85	9/29/2006
80	604-85	9/29/2006
81	338-85	9/29/2006
82	270-86	9/29/2006
83	149-88	9/29/2006
84	502-90	9/29/2006
85	752-90	9/29/2006
86	561-93	9/29/2006
87	403-94	9/29/2006
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89	1001-96	9/29/2006
90	625-96	10/2/2006
91	574-96	10/2/2006
92	DuPont 3617	10/2/2006
93	DuPont 3618	10/2/2006
94	DuPont 3621	10/2/2006
95	DuPont 12873	10/2/2006
96	246-83	10/3/2006
97	328-85	10/3/2006
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Attachment 2
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TSCA-HQ-2010-5002

	HASKELL REPORT NUMBER	Date Submitted to EPA
99	1997-00546	10/3/2006
100	601-85	10/3/2006
101	26-86	10/3/2006
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103	717-92	10/5/2006
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106	307-83	10/5/2006
107	563-87	10/5/2006
108	644-89	10/5/2006
109	348-85	10/5/2006
110	51-93	10/5/2006
111	276-91	10/5/2006
112	1997-00668	10/5/2006
113	161-86	10/5/2006
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115	148-88	10/5/2006
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118	702-85	6/6/2007
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